

DOCKET NO. 2009-238-S

JACABB Utilities, LLC Request for the
Approval of Amendment Number One
to Agreements between The Cliffs at
Mountain Park, LLC and JACABB
Utilities, LLC and Village Overlook
Condominium Association and
JACABB Utilities, LLC

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PETITION TO INTERVENE, OBJECTION TO FILING, AND REQUEST FOR STAY

Village Overlook Condominium Association (“VOCA”) hereby petitions the South Carolina Public Service Commission (“Commission”) pursuant to Rule 103-825 of its Rules of Practice and Procedure, to be allowed to intervene as formal parties of record in the August 18, 2014 fling by JACABB Utilities in this Docket (JACABB’s “Request for Approval”), objects to the relief JACABB has requested, and requests the Commission stay any proceeding on JACABB’s request pending the Commission’s decision on VOCA’s Complaint for Relief Against Improper Charges and Request for Declaratory Ruling (the “VOCA Complaint”) filed simultaneously with this Petition in a Docket to be assigned by the Commission. In support of this Petition, Petitioner would show as follows:

1. On August 18, 2014 JACABB Utilities, LLC (“JACABB”) filed the Request for Approval requesting approval of an April 13, 2011 Amendment Number One to Agreements between The Cliffs at Mountain Park, LLC and JACABB Utilities, LLC and Village Overlook Condominium Association and JACABB Utilities, LLC (the “2011 Amendment”). Jacabb filed

the Application pursuant to S.C. Regs.103-541.

2. VOCA is a property owner's association whose members are the owners of the twenty (20) Village Overlook Condominiums. VOCA's members receive residential sewer service from JACABB and are JACABB's residential sewer customers.

3. The South Carolina Public Service Commission ("Commission") issued a Notice of Filing in this matter on September 4, 2014, in Docket No. 2009-238-S and noted that a public hearing may be scheduled. That Notice of Filing set a deadline for intervention in this docket of October 6, 2014.

4. Simultaneously with its filing of this Petition to Intervene, VOCA is filing with the Commission its Complaint for Relief Against Improper Charges and Request for Declaratory Ruling (the "VOCA Complaint"). The VOCA Complaint raises issues related to JACABB's sewer availability fee billings that are, in turn, directly related to the 2011 Amendment and JACABB's Request for Approval.

5. VOCA has a vital interest in this proceeding. The 2011 Amendment names VOCA as a party to the 2011 Amendment, VOCA's members are JACABB's residential sewer customers, and JACABB's requested approval of the 2011 Amendment directly affects and is affected by the issues raised in the VOCA Complaint.

6. Substantively, VOCA objects to JACABB's 2011 Amendment and requests the Commission disapprove it because, among other things, the 2011 Amendment purports to amend an April 24, 2009 agreement between JACABB and VOCA that JACABB has never requested the Commission approve and the Commission has never approved. Moreover, JACABB's Petition incorrectly and materially represents that the Commission approved the April 24, 2009

agreement between JACABB and VOCA in Order No. 2009-518 (Order attached as Exhibit 1).

That Order does not mention the April 24, 2009 agreement and, instead, solely addresses and approves a March 3, 2009 Agreement between JACABB and The Cliffs at Mountain Park, LLC, a contract to which VOCA was not a party. Finally, VOCA is informed and believes that neither the April 24, 2009 Agreement nor the 2011 Amendment were signed by a person with authority to bind VOCA nor were either Agreement duly authorized by VOCA through appropriate VOCA action.

6. Petitioner seeks to participate in this proceeding in order to more fully establish and assert their position and in order to assist in addressing the important issues raised. Petitioner should therefore be permitted to intervene in this proceeding in order to participate fully and present testimony and other evidence as appropriate.

7. Petitioner's authorized representative in this proceeding is:

John F. Beach
Adams and Reese LLP
1501 Main Street, 5th Floor
Columbia, SC 29201
(803) 343-1269, phone
(803) 799-8479, fax

8. Petitioner requests that it be allowed to intervene in the above-captioned matter, that it be permitted to participate fully as a party of record, to present testimony, cross-examine witnesses, and assert whatever position it deems to be appropriate.

WHEREFORE, Petitioner prays for the following relief:

- a. That the Commission accept this Petition to Intervene and make Petitioner an intervenor and party of record;
- b. That the Commission stay this proceeding pending the outcome of

VOCA's Complaint

- b. That, when and if the Commission moves forward with this proceeding, the Commission allow Petitioner to participate fully in this proceeding and take such positions as they deem advisable;
- c. That, when and if the Commission moves forward with this proceeding, the Commission and deny JACABB's Application; and
- c. For such other and further relief as is just and proper.

Respectfully submitted,

ADAMS AND REESE LLP

BY: s/ John F. Beach
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September 27, 2014
Columbia, South Carolina

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-238-S

IN RE:

JACABB Utilities, LLC Request for the)	
Approval of Amendment Number One to)	
Agreements between The Cliffs at Mountain)	CERTIFICATE OF SERVICE
Park, LLC and JACABB Utilities, LLC and)	
Village Overlook Condominium Association)	
and JACABB Utilities, LLC)	

This is to certify that I have caused to be served this day, one (1) copy of the *Petition to Intervene, Exhibit 1 and this Certificate of Service* by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE AND 1ST CLASS MAIL SERVICE

James S. Eakes
Allen and Eakes
PO Box 1405
Anderson SC 29622

VIA ELECTRONIC MAIL SERVICE AND FIRST CLASS MAIL SERVICE

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s/ Linda B. Brewer
Linda B. Brewer/Paralegal

September 29, 2014
Columbia, South Carolina